

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON,**

Plaintiff,

vs.

**FIVE POINTS BANK, of Grand Island
Nebraska, as Personal Representative
of the Estate of Rodney R. Chitty;
TRUDI R. HENKE, individually and on
behalf of all minor offspring of Trudi R.
Henke and Rodney R. Chitty, and
MITCHEL CHITTY, minor offspring of
Trudi R. Henke and Rodney R. Chitty et
al., and TWYLA DAWN BURMEISTER,
individually and on behalf of all minor
offspring to Twyla Dawn Burmeister
and Rodney R. Chitty, and MIRISSA L.
CHITTY, minor offspring of Twyla
Dawn Burmeister and Rodney R.
Chitty,**

**Defendants and Cross
Claimants.**

CASE NO. 8:04CV276

**ORDER ON STIPULATION
AND CONSENT**

This matter is before the Court on the Stipulation (Filing No. 68) by and between all the remaining parties to resolve all issues between them. I have reviewed the Stipulation, and I conclude that it should be approved. The Accordingly,

IT IS ORDERED:

1. The Stipulation and Consent to Entry of Order (Filing No. 68) is approved;
2. The Defendant and Cross-Claimant Twyla D. Burmeister, as the Beneficiary-Designate of the Optional Group Life Insurance Policy No. SA3-xxx-xxxxxx-01, (Exhibit A to the Complaint for Interpleader at Filing No. 1), shall receive

\$132,000, from the proceeds of that policy that were deposited with the Clerk of the Court on June 30, 2004 (pursuant to Filing No. 10, receipt no. 820672); and the Clerk of the Court is hereby ordered to take all steps necessary to distribute that amount to Burmeister;

3. Any interest earned on the \$132,000, whether originally paid into the Clerk of the Court or subsequently accrued, shall be distributed as follows:
 - a. First, to the Clerk of the Court to cover applicable administrative costs;
and
 - b. Second, the balance to Defendant and Cross-Claimant Trudi R. Henke;

and the Clerk of the Court is hereby ordered to take all steps necessary to distribute the interest accordingly.

4. All pending motions, including Burmeister's motion for summary judgment (Filing No. 60), are denied as moot; and
5. The Complaint and all claims, specifically including all cross-claims in this matter, are dismissed with prejudice, consistent with the parties' Stipulation.

DATED this 4th day of October, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge